



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

March 12, 1997

Mr. Barry R. Werner  
Assistant City Attorney  
Criminal Law and Police Division  
Municipal Building  
Dallas, Texas 75201

OR97-0528

Dear Mr. Werner:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 104355.

The Dallas Police Department received a request for information under the Open Records Act on December 6, 1996. You requested an open records decision from this office on December 19, 1996. Consequently, you failed to request a decision within the ten days required by section 552.301(a) of the Government Code.

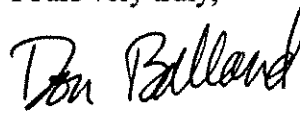
Section 552.301(a) requires a governmental body to release requested information or to request a decision from the attorney general within ten days of receiving a request for information the governmental body wishes to withhold. When a governmental body fails to request a decision within ten days of receiving a request for information, the information at issue is presumed public. Gov't Code § 552.302; *Hancock v. State Bd. of Ins.*, 797 S.W.2d 379 (Tex. App.--Austin 1990, no writ); *City of Houston v. Houston Chronicle Publishing Co.*, 673 S.W.2d 316, 323 (Tex. App.--Houston [1st Dist.] 1984, no writ); Open Records Decision No. 319 (1982). The governmental body must show a compelling interest to withhold the information to overcome this presumption. *See Hancock*, at 381.

You have not shown compelling reasons why the information at issue should not be released. In the absence of a demonstration that the information is confidential by law or that other compelling reasons exist as to why the information should not be made public, the department must release the information in its entirety. *See also* Gov't Code § 552.352 (distribution of confidential information is criminal offense). If you have any questions regarding this matter, please contact our office.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue

under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink that reads "Don Ballard". The signature is written in a cursive, flowing style.

Don Ballard  
Assistant Attorney General  
Open Records Division

JDB/RWP/ch

Ref: ID# 104355

Enclosure: Submitted documents

cc: Ms. Gloria DeCruz  
7120 Skillman Street, # 1094  
Dallas, Texas 75231  
(w/o enclosures)